

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Tyrone Massey

Plaintiff(s),

: No. 20-cv-8067 (RA) (OTW)

-against-

City of New York, et al.

Defendant(s).

X

PROPOSED CASE MANAGEMENT PLAN FOR PRO SE CASE

1. Summary of Claims, Defenses, and Relevant Issues.

Plaintiff/Defendant (circle one)

Plaintiff alleges that, on September 4, 2020, he cut himself because he was experiencing a mental health crisis and Captain Holder did not intervene and denied him medical attention. Instead, Plaintiff was sprayed with chemical agent. Further, Plaintiff alleges that the City of New York is liable for failure to train its employees to give inmates medical attention. Plaintiff has claims for deliberate indifference to medical needs, excessive force, and municipal liability. Defendants assert that Plaintiff broke a light fixture in his cell and was repeatedly told to drop the glass by several officers or he would be sprayed with chemical agent. When Plaintiff failed to comply he was sprayed, restrained, and escorted to a decontamination shower and the medical clinic.

2. I understand my obligation to preserve – and am preserving – relevant information.

Plaintiff/Defendant (circle one)

3. Proposed Schedule.

All discovery should be completed by _____ June 8, 2021

- a. **Depositions:** Depositions shall be completed by _____ June 8, 2021
- b. Neither party may take more than 7 depositions. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
- c. Initial Requests for Documents must be made by _____ March 25, 2021.
- d. Responses to Requests for Documents must be made by _____ April 24, 2021.

- e. Documents from third-parties (such as doctors) will/will not (circle one) be required. If required, the following are the third-parties from whom Documents will be requested.

Documents will be required from third parties. Defendants will need documents from Correctional Health Services.

- f. Subpoenas requesting Documents from third-parties must be served by May 11, 2021. Documents obtained from third-parties must be provided to all parties in this matter.
- g. There will/will not (circle one) be expert testimony in this case. If expert testimony will be needed, please describe the topic on which the expert(s) is expected to testify:

Plaintiff will need two experts: (1) a mental health expert who will testify about the risk involved when a person doesn't receive seizure medication and the risk of someone killing themselves, and (2) New York City Department of Corrections expert to testify about deescalation, crisis intervention, training for irate and frustrated individuals, interpersonal skills, and training techniques.

4. Early Settlement or Resolution.

The parties have/have not (circle one) discussed the possibility of settlement. The parties request a settlement conference by no later than May 11, 2021. The following information is needed before settlement can be discussed:

Responses to Interrogatories and Document Requests, any video of the incident, and medical records.

5. Other Matters.

Plaintiff(s)/Defendant(s) (circle one) wish to discuss the following additional matters at the Initial Case Management Conference.

Plaintiff wishes to discuss the following: injunctions, obtaining and preserving video, DOC employees affording Plaintiff his minimum standards while on video, and, whenever Plaintiff is escorted somewhere, he wants to be on video

Respectfully submitted this 18 day of March.

/s/ Qiana Smith-Williams

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Captain Holder and City of New York

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